IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

CHAMBER SUMMONS NO.175 OF 2007
IN
WRIT PETITION NO.1063 OF 2003

Shivangi D. Shah & Co. Petitioners
vs.
The G.Bombay Co-op. Bank Ltd. Respondents

Mr.Owen Menezes i/b.Chacko Joseph for the petitioner.

Mr.Sean Wasoodeo for respondent no.5.

Mr.Sameer Bhalekar for respondents 1 & 3.

Mr.Karl Shroff i/b.M/s.M.S.Bodhanwala for Oman International Bank.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th July, 2007

P.C.

In a pending writ petition, the petitioner has taken out this chamber summons to place on record various documents including orders passed after the admission of the present writ petition. Those facts are related and arise out of the dispute pending between the parties and specially the controversy as raised in the present writ petition.

2. Therefore, considering the averments made, though opposed by respondents 1 and 2 by affidavit dated 4th

July, 2007, I am of the view that keeping all points open for the respondents, but to grant full opportunity to the parties to put their case, the chamber summons need to be allowed. The Supreme Court in **Rajesh Kumar Aggarwal v. K.K.Modi, (2006) 4 SCC 385,** while considering Order 6 Rule 17 of CPC has reiterated that the amendment, if necessary to decide the dispute between the parties need to be allowed and further the court should also take notice of subsequent events in order to shorten the litigation and preserve and safeguard the rights of both the parties and to subserve the ends of justice.

3. Taking all this into account, the chamber summons is allowed in terms of prayer (a). Amendment to be carried out within two weeks.

4. Writ petition to come up for hearing after four weeks.

[ANOOP V. MOHTA,J.]